

# KANSAS SENIOR FARMERS MARKET NUTRITION PROGRAM

2017 Certified Farmer Training



# Overview

- The Kansas Senior Farmers Market Nutrition Program (KSFMNP) is a USDA funded initiative
- Established in 2006
- Operated by 52 State agencies and federally recognized Indian Tribal Organizations



# Goals

- To provide resources in the form of fresh, nutritious, unprepared, locally grown fruits, vegetables, and herbs from farmers markets and roadside stands to low income seniors
- To increase the domestic consumption of agricultural commodities
- To develop or aid in the development of new and additional Farmers markets, roadside stands, and CSA programs.



# Program Administration

- Operated by the Kansas Department of Health and Environment, Bureau of Health Promotion (BHP)
- BHP Partners with local agencies to distribute benefits
  - *Regional AAA organizations*
  - *County senior centers and health departments*
  - *Food banks*
  - *Local non-profits*



# Program Administration

## ■ Local Agencies

- *Recruit eligible seniors*
- *Process applications, distribute checks, and provide nutrition education*
- *Promote KSFMNP through Public Service Announcements*



# 2016 Program Summary

- \$169, 200 food dollars went directly to check for seniors
- Over 5,400 Seniors received checks
- 244 farmers authorized to accept checks
- Senior centers covering 43 counties distributed checks to low-income Seniors

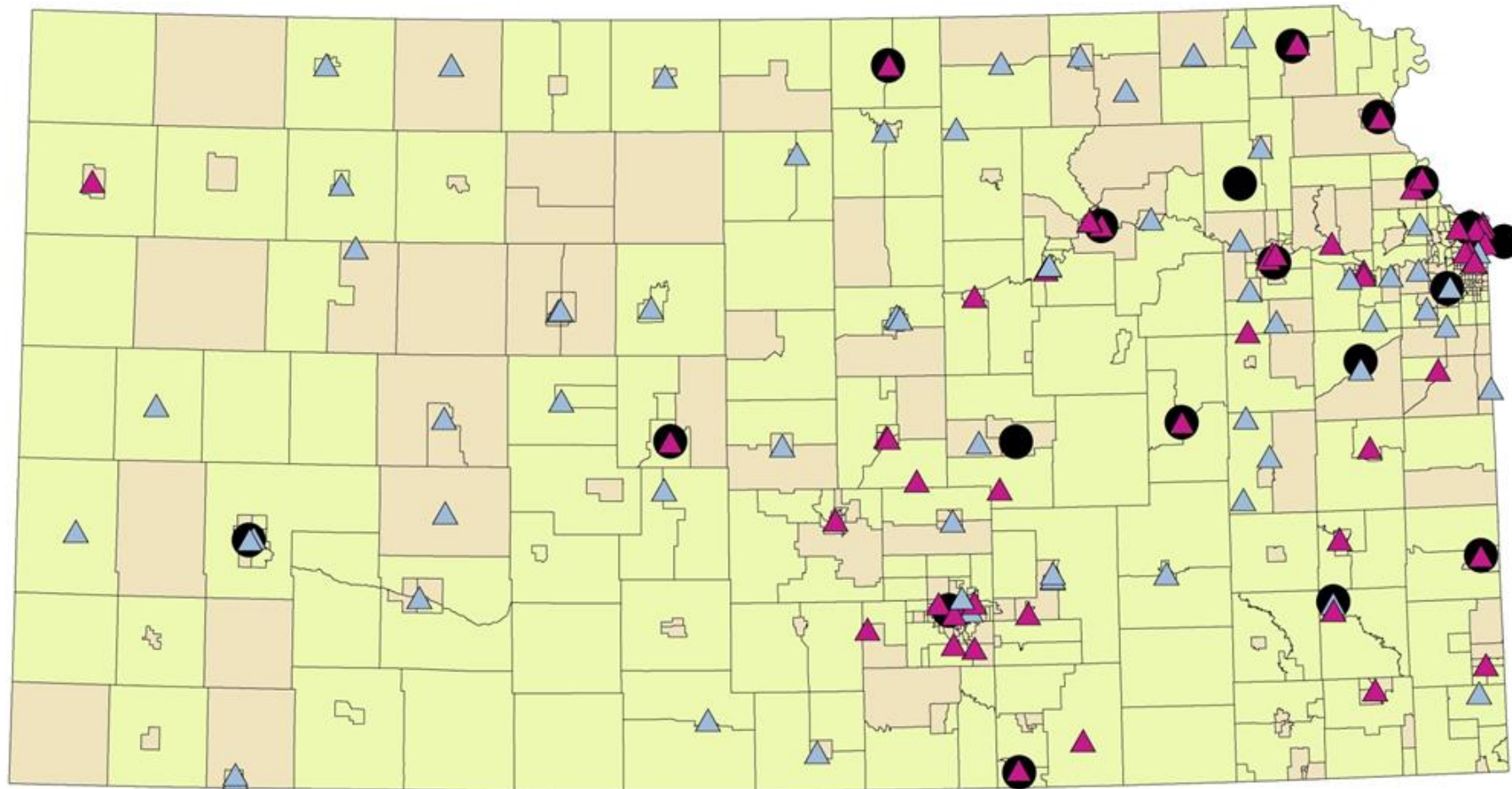


# KSFMNP Service Area






- Allen, Anderson, Atchison,
- Barton, Bourbon, Brown, Butler,
- Clay, Cloud, Cowley, Cherokee,
- Crawford, Dickinson, Douglas,
- Finney, Franklin, Geary, Greenwood
- Harvey, Jackson, Jefferson, Johnson,
- Labette, Leavenworth, Lyon,
- Marion, Marshall, McPherson,
- Miami, Mitchell, Montgomery,
- Neosho, Osage, Pottawatomie
- Reno, Republic, Rice, Riley,
- Saline, Sedgwick, Shawnee,
- Washington, Wyandotte



## Proximity of Kansas Farmers Markets to KSFMNP Local Agencies, 2016



### Legend:

-  Farmers market w/out KSFMNP participation
-  Farmers market with KSFMNP participation
-  KSFMNP Local Agencies
-  Census Tract without a healthy food retailer
-  Census Tract with a healthy food retailer



# Benefits and Eligibility

- Seniors must be 60 years of age or older AND an income at 185% of the federal poverty level.
- Seniors receive \$30 total per year
- Each senior receives a book of six (6), \$5 checks
- Local agencies certify seniors and distribute checks



# Designated Proxy

- Seniors may designate a proxy to spend checks are their behalf if they are unable to
- Seniors sign a form designating a proxy when they apply for checks
- The proxy may be a family member, neighbor or friend
- The proxy may sign the check on behalf of the senior
- The proxy does NOT have to show ID at the point of sale



# Farmer Requirements

- Participate in a KDHE hosted training
- Complete the Certified Farmer Agreement
- Renew the Certified Farmer Agreement annually
- Agreements valid January 1, 2017 – November 30, 2017
- Only one agreement per farm is required



# Farmer Requirements

- Sell only eligible foods in exchange for checks
- Sell in a county where seniors receive checks
- Only accept checks from June 1 – November 1, 2017
- Treat all KSFMNP participants equitably
- Provide foods that are of the same quality and cost as those sold to other customers



# Eligible Food Choices

- Fresh, nutritious unprepared, locally grown fruits, vegetables, cut herbs, and local honey for human consumption
- Eligible foods may not be prepared beyond their natural states except for their usual harvesting and cleaning processes
- Locally grown means grown in Kansas or in a county adjacent to the State lines if your farm is located near the border



# Ineligible Food Choices

- Grocery store purchases
- Non-locally grown fruits, vegetables, herbs, and honey
- Creamed, whipped, flavored, or herb-infused honey
- Processed fruits or vegetable products (i.e. baked goods, jams, jellies, popcorn, juices, etc.)



# Ineligible Food Choices

- Dried fruits/vegetables
- Prunes
- Raisins
- Sun-dried tomatoes
- Dried chili peppers
- Potted fruit/vegetable plants
- Potted or dried herbs
- Wild rice
- Cider
- Seeds
- Eggs
- Meat
- Cheese
- Seafood
- Nuts
- Maple syrup



# Certified Farmer Sign Must be posted at all locations





# Check Use

- KSFMNP checks work just like a standard check
- Checks must be deposited into the farmer's bank account
- Checks may be deposited at any financial institution
- Seniors and farmers must sign the check
- Farmers must stamp the check with their ID number



# Example Check

**Kansas 2010 Senior Farmers' Market Nutrition Program** Account # 802636

**Pay to the order of authorized  
Kansas Farmers Market Vendor**

Deposit no later than November 15, 2010

**NOT VALID AT GROCERY STORES**

Good for the purchase of fresh, locally grown vegetables, fruits, cut flowers, and honey from a KSF-MNP Vendor. Any other use constitutes fraud.

**VALID DATES OF USE**  
June 1, 2010 – October 31, 2010  
SOME MARKETS MAY CLOSE EARLIER

**STAMP AUTHORIZED SP**

**VENDOR NUMBER HERE**

**NO \$**

**SOLUTRAN** SECURITY BANK  
HOWARD LAWRENCE 55349  
75-1248/919

**KSF-MNP**

**PARTICIPANT'S SIGNATURE**



# Farmer Number/Stamp

Kansas 2010 Senior Farmers' Market Nutrition Program

Account # 802636

Pay to the order of authorized  
Kansas Farmers Market Vendor

Deposit no later than November 15, 2010

NOT VALID AT GROCERY STORES

Good for the purchase of fresh, locally grown  
vegetables, fruits, cut flowers, and honey from  
a SFMNP Vendor. Any other use constitutes fraud.

**VOID**

STAMP AUTHORIZED SF

VALID DATES OF USE  
June 1, 2010 – October 31, 2010  
SOME MARKETS MAY CLOSE EARLIER

NOT VALID FOR CASH

VENDOR NUMBER HERE

PARTICIPANT'S SIGNATURE

SOLUTRAN SECURITY BANK  
HOWARD LAWRENCE 55349  
75-1248/919

1:0919124821 802636

Participant or Proxy Signature



# Farmer Endorsement is Required



# Check Use

- November 15th is the deadline to deposit checks
- Do NOT wait until the last minute to deposit checks
- Checks void if:
  - *Number is missing or unreadable*
  - *Signature of senior or farmer missing*
  - *Deposited after November 15th*



# Check Use

- The farmer is responsible for any returned check fees
- If a senior did not sign the check call the KSFMNP Manager for assistance
- Checks may be resubmitted for payment in the event that the farmer signature or authorization number can be properly and legally corrected
- KDHE may deny payment for improperly deposited checks and may require refunds



# Check Use

- Farmers cannot:
  - *Collect sales tax on KSFMNP check purchases*
  - *Seek restitution from KSFMNP participants for checks not paid*
- Farmers must claim sales made in exchange for KSFMNP checks
- Farmers will take a sales tax deduction for sales made in exchange for KSFMNP checks
- For more information contact the KS Dept. of Revenue
  - Robert Adcock
  - Revenue Agent 235
  - Field Investigations
  - Kansas Department of Revenue
  - (913) 631-0296 Ext. 202
  - [robert.adcock@kdor.ks.gov](mailto:robert.adcock@kdor.ks.gov)



# Cash, Change, Refunds

- Checks cannot be exchanged for cash
- Change, credit and/or refunds may not be issued on items purchased with KSFMNP checks
- Certified farmers are prohibited from cashing checks accepted by a non-certified farmer





# Class I Violation

- Negotiating KSFMNP checks without a valid identification number stamped in the appropriate box on the check
- Failure to display “Farmers Market Checks Welcome Here” sign.
- Sanction: Class I violation will result in a “warning” letter from the KSFMNP Program Manager



# Class II Violation

- Accepting KSFMNP checks for ineligible items
- Discriminating against a KSFMNP customer
- Two (2) Class I violations within a season
- Sanction: Class II violation will result in a “non-compliance” letter from the KSFMNP Program Manager to the farmer. Technical assistance will be provided by telephone with a verbal test of information provided.



# Class III Violation

- Providing drugs, alcohol or cash in exchange for checks
- Charging KSFMNP customers more than the current price charged other customers
- Attempting to collect sales tax from a KSFMNP customer
- Providing change back to customers for purchases where the amount of the purchase is less than the value of the check(s)
- Two(2) Class II violations within a season



# Class III Violation

- Sanction: Class III violation results in the farmer's suspension from the KSFMNP.
- SUSPENSION:
  - *The length of suspension for a first time offense is the growing season.*
  - *The length of suspension for a second time offense is the present growing season, and the next ensuing growing season.*
  - *A grower who is suspended must reapply to participate in the KSFMNP.*



# Civil Rights

- Civil Rights
  - *Nonpolitical rights*
  - *Rights of personal liberty guaranteed by 13th and 14th amendments*
- Discrimination
  - *Act of distinguishing one person or group of persons from others, either intentionally, or neglect or by the effect of actions or lack of actions based on the protected bases*



# Civil Rights

- Six (6) protected bases
- No person shall, on the grounds of **race, color, national origin, age, sex, disability, religious creed, or political beliefs**, be excluded from participation, be denied benefits, or be otherwise subjected to discrimination under the KSFMNP
- USDA Policy and Guidance
  - *FNS Instruction 113-1 Rev.1*
  - <http://www.fns.usda.gov/sites/default/files/113-1.pdf>



# Civil Rights

- Eight (8) Areas of Civil Rights Compliance
  - *Assurances*
  - *Public Notification System*
  - *Data Collection*
  - *Training*
  - *Compliance Reviews*
  - *Civil Rights Complaints*
  - *Limited English Proficiency*
  - *Equal Opportunity Rule*



# Civil Rights Complaints

- Farmers and seniors have the Right to File a Complaint
- Any person alleging discrimination on the basis of a protected class can file a complaint within 180 days of alleged discriminatory action
- Complaints will be accepted
  - *In writing*
  - *Orally*
  - *Anonymously*





# Civil Rights Complaints

- Information needed:
  - *Complainant's name, address, phone*
  - *Location where discrimination occurred*
  - *Description of incident*
  - *Basis for claim (protected class)*
  - *Names of witnesses*
  - *Date(s) when action(s) occurred*
- For Instructions on how to file a civil rights complaint visit [www.kdheks.gov/sfmnp/farmers.htm](http://www.kdheks.gov/sfmnp/farmers.htm)



# Federal Relay Service

- Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).



# Appeals

- If making an appeal which resulted in a suspension or disqualification:
- Written request for administrative appeal to KDHE
- May appeal the denial to participate in KSFMNP and an action imposing a sanction
- Appeal must be within 30 days of date of receipt of certified mail notification
- KDHE will set a date and location for the hearing 15 days after the appeal
- Farmer will receive written notice of the time and place at least 30 days prior to the date of the hearing
- Farmer has one opportunity to reschedule the hearing date
- Farmer can examine, prior to and during the decision, the document and records that support the decision under appeal



# Appeals

- At a minimum, the farmer or their representative will have the opportunity to:
- Present their case
- Question or disprove any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses
- Be represented by counsel
- Bring witnesses
- Review the case record prior to the hearing
- Submit evidence to establish all pertinent facts and circumstances in the case
- Advance arguments without undue interference
- An adverse action, at KDHE's option, may be postponed until a decision in the appeal is rendered
- A postponement is appropriate where KDHE finds that participants could be unduly inconvenienced by the adverse action



# Appeals

- KDHE may determine other relevant criteria to be considered in deciding whether or not to postpone an adverse action
- KDHE will provide the farmer with written notification of the adverse action, the cause(s) for the action, and effective date of the action and an opportunity for a fair hearing
- Notification will be provided 15 days before the effective date of the action
- The hearing official will be an impartial decision maker
- The decision of the official is given to the farmer 15 days of the date of the hearing or within 60 days from the date of receipt of the request for a hearing by KDHE



# Appeals

- All records of the hearing and decision are available for public inspection for 3 years
- If dissatisfied with the hearing decision, farmer may appeal to KDHE for further state level review of the decisions and a possible rehearing
- This appeal must be made within 15 days of the contested decision of the previous hearing
- The same procedures outlined above are followed
- If a farmer appeals an adverse action (and is permitted to continue in the KSFMNP while the appeal is pending) he / she will continue to be responsible for compliance with the terms of the written Agreement



# Due Process

- The State of Kansas will follow Administrative Procedure act to allow for due process to KSFMNP local agencies, KSFMNP authorized farmers, and KSFMNP participants
- Expiration of the Agreement with the farmer and claims actions under the KSFMNP rules and regulations are not appealable



# Certified Farmer Agreement

- All farmers new AND returning must submit the annual Certified Farmer Agreement
- The Agreement is:
  - *A legally binding agreement that the farmer will agree to abide by all rules and regulation of the KSFMNP*
  - *A contact information update sheet*
  - *A farmers market tracking tool*
  - *A “Checks Accepted Here” sign order form*
- Agreements must be submitted online at <http://www.kdheks.gov/sfmnp/farmers.htm>
- **Submission deadline: April 1, 2017**





# Certified Farmer Agreement

- Most fields on the Agreement form are required
- Be prepared with the names and addresses of the farmers markets and/or roadside stands where you will sell in 2017
  - *Provide your best projection of where you will sell*
  - *If you change markets or add new ones during the season it is Okay*
  - *Reporting changes to the KSFMNP Manager is optional*
- Provide your most current mailing address and contact information
- Only 1 (ONE) person should sign the Agreement



# Certified Farmer Agreement

- Agreements must be submitted online at <http://www.kdheks.gov/sfmnp/farmers.htm>
- **Submission deadline: April 1, 2017**
- If you need assistance filling out the Agreement:
  - *Ask a family member, friend or neighbor with computer experience*
  - *Visit the local public library and ask staff for assistance*
  - *Contact the KSFMNP Manager if necessary*



# Things to Remember

- Complete the 2017 Certified Farmer Agreement by April 1, 2017
- Display the “Checks Accepted Here” sign at all times
- Sell only eligible foods in exchange for KSFMNP checks
- Only sell during dates indicated on the checks (June 1- November 1)
- Stamp every check with your ID number
- Make sure every check is signed by the senior
- Endorse the back of every check with your signature
- Deposit check to your bank by **November 15, 2017**



# Fill out the Certified Farmer Agreement

<http://www.kdheks.gov/sfmnp/farmers.htm>

(or go directly to:

<https://www.surveymonkey.com/r/FHGTJTNX>)



# Contact Information

KSFMNP Manager

Jennifer Church

[jennifer.church@ks.gov](mailto:jennifer.church@ks.gov)

1000 SW Jackson, Suite 230

Topeka, KS 66612

[www.kdheks.gov/sfmnp/farmers.htm](http://www.kdheks.gov/sfmnp/farmers.htm)

